

REMARKS

These Remarks are responsive to the Office Action mailed March 16, 2005 ("Office Action"). In the event any fees are due with this response, please charge the undersigned's Deposit Account No. 50-0206. Applicant respectfully requests reconsideration of the rejections of the pending claims for at least the following reasons.

OFFICE ACTION

The Office Action sets forth the following claim objections and rejections.

Claim 42 is objected to under 37 C.F.R. § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claims 1-40 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter.

Claims 1 4-11, 17-31, 36-41, and 44-71 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of U.S. Patent 5,826,023 issued to Mary Susan Hall and George James Romano in view of U.S. Patent 5,212,792 issued to M. Colin Gerety *et al.* alone or further in view of various other applied references.

Claims 2, 12-15, 32-35, 42, 43, and 72-76 are objected to as being dependent upon a rejected base claim, but are indicated to otherwise be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

AMENDMENTS

Claims 1, 3, 41, and 43 are currently amended. Claims 2 and 42 are cancelled. Claims 1, 3-41, and 43-76 remain pending.

Claim 1 is amended to include the limitations of previously dependent claim 2. Claim 2 is cancelled. Claim 3, previously depending from claim 2, is amended to depend directly from claim 1. The preamble to claim 1 is amended to set forth that the claimed method is computer implemented.

Claim 41 is amended to include the limitations of claim 42. Claim 42 is cancelled. Claim 43, previously depending from claim 42, is amended to depend from claim 41.

RESPONSE TO OBJECTIONS AND REJECTIONS

CLAIM OBJECTION

Claim 42 was objected to under 37 C.F.R. § 1.75(c). The cancellation of claim 42 renders the objection to claim 42 moot.

SECTION 101 REJECTIONS

Claims 1-40 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. The Examiner kindly suggested that the preamble of claim 1 be amended to set forth a “computer implemented method” to overcome this rejection. Claim 1 is amended as suggested by the Examiner. Accordingly, applicant respectfully submits that claims 1 and 3-40 are directed to statutory subject matter.

SECTION 103 REJECTIONS

Claims 1 and 41 are the independent claims. Claims 2 and 42, depending from claims 1 and 41 respectively, were indicated to be directed to allowable subject matter. Claim 1 is amended to include the allowable subject matter of claim 2. Claim 41 is amended to include the allowable subject matter of claim 42. Accordingly, applicant respectfully submits that independent claims 1 and 41 are allowable over the prior art.

Claims 3-40 depend from claim 1. Claims 43-76 depend from claim 41. Dependent claims are nonobvious under Section 103 if the independent claims from which they depend are nonobvious. Accordingly, applicant respectfully asserts that claims 3-40 and 43-76 are allowable over the prior art.

CONCLUSION

Applicant respectfully requests reconsideration and further examination of this application in view of the amendment and the above remarks. Applicant has addressed every ground of objection and rejection in the Office Action and submits that all pending claims are patentably distinguishable over the prior art of record, taken in any proper combination. The Examiner is invited to telephone the undersigned Applicant's representative to resolve any issues that may expedite the prosecution of this application.

Respectfully submitted,

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